UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARON WOLMAN, Plaintiff, - against - ENTERCOM COMMUNICATIONS CORP. Defendant.	Docket No. _______________ JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Baron Wolman ("Wolman" or "Plaintiff") by and through his undersigned counsel, as and for his Complaint against Defendant Entercom Communications Corp. ("Entercom" or "Defendant") hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant's unauthorized reproduction and public display of an iconic copyrighted photograph of American guitarist Joe Perry, owned and registered by Wolman, a legendary music photographer. Accordingly, Wolman seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq*.

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq*., and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or are transacting business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Wolman is a renowned music photographer in the business of licensing his photographs to online and print media for a fee, having a usual place of business at 52 Vereda Serena Road, Santa Fe, New Mexico 87508. Wolman has photographed music icons such as Janis Joplin, The Rolling Stones, Frank Zappa, the Who, Jimi Jendrix, Pink Floyd, and Bob Dylan. Wolman was awarded the VIP award at the Classic Rock Roll of Honour Awards.

6. Upon information and belief, Entercom is a corporation duly organized and existing under the laws of the State of Pennsylvania, with a place of business at 45 West 21st Street, New York, New York 10010. At all times material hereto, Entercom has owned and operated a website at the URL: www.KFox.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photograph

7. Wolman photographed American musician Joe Perry (the "Photograph"). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Wolman is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph is registered with the United State Copyright Office and was given registration number VA 1-726-336.

B. Defendant's Infringing Activities

10. Upon information and belief, Entercom ran an article on the Website entitled *Sloppy Joe*. See http://www.kfox.com/Happy-Birthday-Joe-Perry-/13026840?pid=264238. The

article prominently featured the Photograph. A true and correct copy of the article is attached hereto in Exhibit B.

11. Entercom did not license the Photograph from Plaintiff for its article nor did Entercom have Plaintiff's permission or consent to publish the Photograph on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST ENTERCOM)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Entercom infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Entercom is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Entercom have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

17. Alternatively, Plaintiff is entitled to statutory damages up to $150,000 per work infringed for Defendant's willful infringement of the Photograph, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

19. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Entercom be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to $150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
May 30, 2017

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
Richard P. Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580
Tel: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Baron Wolman